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GOVERNMENT GAZETTE

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GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/17/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa, dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following amendment to the Goa Government Pharmacy College (Non-gazetted, non-ministerial posts) Recruitment Rules, 1966, issued under Notification dated 22nd August, 1966 and published in the Government Gazette, No. 25, Series I, dated 22nd September, 1966.

AMENDMENT

In the Schedule attached to the said Notification,

1. Against the post at serial No. 3 for the existing entry in column 7 substitute:

Essential: VIIIth Standard or equivalent, preferably Matriculation with Science subjects.

Desirable: Successful completion of Laboratory Assistant (or attendant) Course from a recognised Institution or experience in laboratory work for at least 1 year".

2. Against the post at serial No. 6 for the existing entry in column 7 substitute:

Essential: B. Sc. with Chemistry and Botany or Zoology as a course of study.

Desirable: Diploma in Pharmacy from a recognised University or other Institution".

G. K. Bhanot, Chief Secretary.

Panaji, 16th July, 1968.

Notification

OSD/RRVS/20/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963 the Administrator of Goa, Daman and Diu is pleased to make the following amendment to the Goa Government, Subordinate Revenue Service (non-gazetted, non-ministerial posts) Recruitment Rules, 1966 issued under Notification dated 26th May, 1966 and published in the Government Gazette Series I, no. 14 dated 7th July, 1966.

AMENDMENT

In the Schedule attached to the said Notification for the existing entry in column 1 against the post at Serial No. 1, substitute:

«Aval Karkuns in all the Departments under the Administration of Goa Daman and Diu».

G. K. Bhanot

Chief Secretary

Panaji, 24th July, 1968.

Law and Judicial Department

Notification

LD/N/2/34/68

The Indian Patent and Designs (Amendment) Ordinance, 1968 (8 of 1968) as promulgated by the President of India is hereby reproduced below for general information of the Public.

V. R. Vaze, Under Secretary.

Panaji, 22nd July, 1968.

THE INDIAN PATENTS AND DESIGNS
(AMENDMENT) ORDINANCE, 1968

No. 8 of 1968

Promulgated by the President in the Ninetenth Year
of the Republic of India.

An Ordinance further to amend the Indian Patents
and Designs Act, 1911.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Indian Patents and Designs (Amendment) Ordinance, 1968.

(2) It shall come into force on the 10th day of July, 1968.

2. Act 2 of 1911 to be temporarily amended.—During the period of operation of this Ordinance, the Indian Patents and Designs Act, 1911 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in section 3.

3. Insertion of new sections 78B, 78C, 78D and 78E.—In the principal Act, after section 78A, the following sections shall be inserted, namely:—

78B. Special provisions relating to applications relevant for defence purposes.—(1) Where, in respect of an application, whether made before or after the commencement of the Indian Patents and Designs (Amendment) Ordinance, 1968, for a patent, it appears to the Controller that the invention is relevant for defence purposes, he may, notwithstanding anything contained in the foregoing provisions of this Act, at any time before the grant of the patent omit to do or delay the doing of anything which he would otherwise be required to do in relation to the application and also, by order, prohibit or restrict,—

(i) the publication of information with respect to the subject-matter of the application; or

(ii) the communication of such information to particular persons or classes of persons.

(2) Where the Controller issues any such directions as are referred to in sub-section (1), he shall give notice of the application and of the directions to the Central Government, and the Central Government shall, upon receipt of such notice, consider whether the publication of the invention would be prejudicial to the defence of India, and if, on such consideration, it appears to it that the publication of the invention would not so prejudice, give notice to the Controller to that effect, who shall thereupon revoke the directions and notify the applicant accordingly.

(3) The question whether an invention in respect of which directions have been issued under sub-section (1) continues to be relevant

for defence purposes, shall be reconsidered by the Central Government within nine months from the date of issue of such directions and thereafter at intervals not exceeding twelve months, and if, on such reconsideration, it appears to the Central Government that the publication of the invention would no longer be prejudicial to the defence of India, it shall forthwith give notice to the Controller accordingly and the Controller shall thereupon revoke the directions previously issued by him.

(4) The result of every reconsideration under sub-section (3) shall be communicated to the applicant within such time and in such manner as may be prescribed.

(5) Any directions issued under rule 47 of the Defence of India Rules, 1962, in respect of an application for a patent for an invention such as is referred to in sub-section (1), and in force immediately before the commencement of the Indian Patents and Designs (Amendment) Ordinance, 1968, shall, in so far as such directions are not inconsistent with the provisions of this section, be deemed to have been issued under that sub-section and accordingly the provisions of this section shall, so far as may be, apply to such application.

78C. Special provisions in respect of applications for patents in the field of food, drug or medicine.—(1) Where the Central Government is satisfied that it is necessary or expedient in the public interest so to do, the Central Government may, by notification in the Official Gazette, and notwithstanding anything contained in the foregoing provisions of this Act, direct the Controller with respect to—

(a) all applications for patents, whether made before or after the commencement of the Indian Patents and Designs (Amendment) Ordinance, 1968, in respect of inventions relating to—

(i) substances used or capable of being used as food or as medicine or drug, or

(ii) the methods or processes for the manufacture or production of any such substance as is referred to in sub-clause (i); or

(b) any class of applications referred to in clause (a), to abstain from doing, or delay the doing of any thing which he would otherwise be required to do in relation to such applications and the Controller shall comply with such direction.

(2) The question whether a direction issued under sub-section (1) continues to be necessary or expedient in the public interest, shall be reconsidered by the Central Government within nine months from the date of issue of such direction and thereafter at intervals not exceeding twelve months, and if, on such reconsideration, it appears to the Central Government that it would no longer be necessary or expedient in the public interest to continue the direction, it shall revoke the direction.

(3) The result of every reconsideration under sub-section (2) shall be published in the Official Gazette.

(4) Any directions issued under rule 47 of the Defence of India Rules, 1962, in respect of such applications or classes of applications for patents as are referred to in sub-section (1), and in force immediately before the commencement of the Indian Patents and Designs (Amendment) Ordinance, 1968, shall, in so far as such directions are not inconsistent with the provisions of this section, be deemed to have been issued under that sub-section and accordingly the provisions of this section shall, so far as may be, apply to such applications.

Explanation.—For the purposes of this section,—

(a) "food" means any substance intended for the use of babies, invalids or convalescents, as an article food or drink;

(b) "medicine or drug" includes —

(i) all medicines for internal or external use of human beings or animals,

(ii) all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of diseases in human beings or animals,

(iii) all substances intended to be used for or in the maintenance of public health, or the prevention or control of any epidemic disease among human beings or animals,

(iv) all chemical substances which are ordinarily used as intermediates in the preparation or manufacture of any of the medicines or substances referred to above,

but does not include insecticide, germicide, fungicide or any other substance intended to be used for the protection or preservation of plants.

78D. Consequences of directions under section 78B or section 78C.—(1) So long as any directions issued or deemed to have been issued under section 78B or section 78C are in force in respect of an application,—

(a) the Controller shall not pass an order refusing to accept such application; and

(b) notwithstanding anything contained in this Act, no appeal shall lie against any such direction or from any order of the Controller passed in respect thereof:

Provided that the application may, subject to the directions, proceed to the stage of the acceptance of the complete specification, but the acceptance shall not be advertised nor the specification published, and no patent shall be granted in pursuance of the application.

(2) The Controller may, having regard to the directions issued or deemed to have been issued under section 78B or section 78C in respect of any application for a patent or, as the case may be, any class of applications for patents referred to therein and subject to such conditions, if any, as he thinks fit, extend the period (including any period specified in this Act as the period on the expiry of which an application for a patent shall be deemed to have been refused, or a patent applied for shall not be sealed, or the specification accompanying an application and

the drawing supplied therewith shall be open to public inspection), within which anything is required to be done by or under this Act in connection with such application or applications, whether or not such period has previously expired.

78E. Contravention of directions under section 78B.—(1) If in respect of an application for a patent any person fails to comply with any direction issued or deemed to have been issued under sub-section (1) of section 78B,—

(a) the application for the patent shall be deemed to have been abandoned;

(b) such person shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(2) If the person committing an offence under sub-section (1) is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against any punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under sub-section (1) has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) «company» means any body corporate and includes a firm or other association of individuals; and

(b) «director», in relation to a firm, means a partner in the firm.

ZAKIR HUSAIN,

President.

V. N. BHATIA,

Secy. to the Govt. of India.

Labour and Information Department

ORDER

LC/12/EPF/68

The following Notification from the Government of India, Ministry of Labour, Employment and

Rehabilitation, New Delhi, issued under Employees' Provident Fund Act 1952, is hereby republished for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 18 July, 1968.

Notification

Dated, 1st July 1968

S. O.—In pursuance of clause (a) of sub-section (1) of section 5A of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints, with effect from the 1st July 1968, the Secretary to the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), as the Chairman of the Central Board of Trustees, and makes the following further amendment in the notification of the Government of India in the late Department of Social Security No. S. O. 1156 dated the 1st April, 1965, namely:—

In the said notification, for the entry against serial Number 1, the following entry shall be substituted, namely:—

"The Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), New Delhi".

No. 12(2)68-PF-II

DALJIT SINGH

Under Secretary to the Government of India.

ORDER

LC/14/MDLB/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment, New Delhi, is hereby republished for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 27th July, 1968.

Dated 26th June, 1968

Notification

S. O.—In exercise of the powers conferred by section 8 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following rules further to

amend the Dock Workers (Regulation of Employment) Rules, 1962, namely:—

1. These rules may be called the Dock Workers (Regulation of Employment) Amendment Rules, 1968.

2. In rule 7 of the Dock Workers (Regulation of Employment) Rules, 1962, sub-rule (1) shall be re-numbered as sub-rule (1A) thereof, and before the sub-rule as so renumbered, the following sub-rule shall be inserted, namely:—

«(a) The Chairman may whenever he thinks fit, and shall, within fifteen days of the receipt of a requisition in writing from not less than one-third of the members, call a meeting of the Board».

No. 63/1/68-Fac. II

C. RAMDAS

Under Secretary

Mormugao Port Trust

Notification

MPT/IGA/(E. 344)/68

As required under Section 124(2) of the Major Port Turst Act, 1963, the following amendment to the Mormugao Port Employees (Leave) Regulations, 1964 adopted by the Board of Trustees is hereby published:—

«Re-number the existing Regulation 7 of Mormugao Port Employees' (Leave) Regulations, 1964, as Regulation 7 (1) and insert the following as sub-Regulation (2):—

Notwithstanding anything contained in Sub-Regulation (1) an employee who has given notice of not less than three months in writing of his intention to retire from service after attaining the age of fifty-five years or to whom notice of not less than three months has been given in writing by the Appointing Authority to retire him from service after attaining the age of fifty-five years may be granted leave due and admissible to him, not extending beyond the date on which he attains the age of 58 years, even though such leave extends beyond the date on which he retires on the expiry of the notice given».

By order,

P. G. Kundaji

For Secretary

Mormugao, 2nd July, 1968.

Notification

MPT/3-GA(8)/68

In continuation of the Notification No. MPT/3-GA(8)/68 of 16-5-1968 published in the Government Gazette No. 9 Series I of 30-5-1968 the following

rules for the operation of facilities of Public Bonded Warehouse at the Port hereby notified:

1. Applications for warehousing should be submitted to the Traffic Manager with all particulars and invoices.

2. (a) Consignments for warehousing must be taken delivery of at the transit shed/transit space and remove to the Board's Bonded Warehouse by the importer under the supervision of a Custom's Officer, the importer providing his own labour to convey the goods to the warehouse.

(b) A Customs pass allowing goods to be bonded is required for the purpose of bonding goods.

(c) The labour for receiving, sorting, packing and removing the goods in the warehouse, shall be supplied by the importer.

(d) Clearance of goods from Bond shall be covered by a Bond Bill of Entry duly passed by the Customs.

3. Non-hazardous goods only will be received into the Bonded warehouses.

4. Packages containing property of considerable value should be adequately sealed in the presence of a Custom's Officer to the satisfaction of Port Officials before acceptance.

5. The Port authorities will not be responsible for the contents of packages when the outward condition on delivery is the same as when the packages were

first received into the warehouse. Qualified receipts will be passed for all packages in a damaged or doubtful condition.

By order,

P. G. Kundaji
for Secretary

Mormugao, 5th July, 1968.

Notification

MPT/27-GA(12)/68

As required under Section 124(1) of the Major Port Trusts Act, 1963, it is hereby notified that the Central Government have accorded approval to the amendment to the Mormugao Port Employees' (Grant of Conveyance Allowance) Regulations, 1966, published in the Government of Goa Gazette on the 25th April and 2nd May, 1968, Nos. 4 and 5 (Series I) respectively, vide Ministry of Transport's letter No. 7-PE(5)/68 dated the 11th July, 1968.

The amendment will be effective from the date of publication of this notification.

By order

Shivakumar Dhindaw
Secretary

Mormugao, 17th July, 1968.